

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	
)	
THE KRYSTAL COMPANY, et al., ¹)	NO. 20-61065 (PWB)
)	Chapter 11
Debtors)	(Jointly Administered)
IN RE:)	
)	

**ORDER GRANTING MOTION OF LANDLORD RACHEL M. PRUETT
FOR RELIEF FROM THE AUTOMATIC STAY**

This matter is before the Court upon the Motion of Landlord Rachel M. Pruett for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362 (d), or Alternatively for Payment Pursuant to 11 U.S.C. § 365(d)(3), or alternatively for Adequate Protection Pursuant to 11 U.S.C. § 363(e). There being no objection to the requested relief presented by the Debtors, the Court finds the motion is well taken with respect to the lease by The Krystal Company with Rachel M. Pruett for the Leased Premises generally described as 4868 Hixson Pike, Chattanooga, Tennessee

¹ The Debtors in these Chapter 11 cases include: The Krystal Company; Krystal Holdings Inc.; and K-Square Acquisitions Co., LLC.

37343, and more particularly identified in said motion at *Exhibits 1 , 2, 3 and 4* (hereinafter “Pruett Lease”).

ORDERED that Debtors be and are hereby required to satisfy its obligations under 11 U.S.C. § 365(d)(3) and make payment to Rachel M. Pruett of all rents due and owing while the Debtors are in possession of the Leased Premises, including post-petition pro-rata rent due from January 19 to January 31, 2020 in the amount of \$2,455.96, monthly rent of \$5,856.40 being due on the first day of each month, real property taxes for 2019 of \$10,624.01 due under the Pruett Lease on or before March 1, 2020, pro-rata real property taxes for 2020 of \$29.11 per day beginning January 19, 2020 and the reasonable attorney’s fees incurred by Rachel M. Pruett curing the payment defaults and terminating the Pruett Lease in an amount to be determined upon separate motion; and it is further

ORDERED that the Pruett Lease be and is hereby deemed rejected as of the entry of this Order; and it is further

ORDERED that the Debtors shall relinquish control of the Leased Premises that is the subject of the Pruett Lease and this Order, and the automatic stay on said Leased Premises be and is hereby lifted so that Movant, Rachel M. Pruett, be and is hereby permitted to exercise her state law remedies in connection with the Leased Premises and take all actions necessary to secure possession of the Leased Premises; and it is further

ORDERED that Rachel M. Pruett shall not set-off or use in any way amounts deposited as a security deposit by the Debtor without further order from this Court and Rachel M. Pruett stipulates that The Krystal Company never provided a security deposit or provided any payment to her for a similar purpose as evidenced by the terms of the Pruett Lease; and it is further

ORDERED that pursuant to 11 U.S.C. § 544(a), Debtors are authorized to abandon any personal property (“Abandoned Property”) that remains on the Leased Premises upon the Debtors relinquishment of control of the Leased Premises as provided by this Order. Rachel M. Pruett may, in her sole discretion and without further order of this Court, utilize ad/or dispose of such Abandoned Property without further notice or liability to the Debtors or any third parties and, to the extent applicable, the automatic stay is modified to allow such disposition; and it is further

ORDERED that the stay is modified and lifted immediately upon entry of this Order, and that the fourteen (14) day provisions of Fed. R. Bankr. P. 4001(a)(3) and/or 6004(h) are not applicable.

[END OF ORDER]

APPROVED FOR ENTRY:

GEARHISER, PETERS, ELLIOTT
& CANNON, PLLC

By: /s/Wade K. Cannon
(Wade K. Cannon) Georgia Bar # 564275
320 McCallie Avenue
Chattanooga, TN 37402
Tel.: (423) 756-5171
Fax.: (423) 266-1605
Attorneys for Creditor Rachel M. Pruett